



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 07/27/00

Agenda Item 1

TO: Planning Commission

FROM: Richard Patenaude, Associate Planner

SUBJECT: Appeal of Planning Director Approval of Site Plan Review Application No. 00-130-13 – Frank Goulart for **Friends of Hayward** (Applicant) / Jorge & Martha Gutierrez (Owners): Request to Relocate an Historic Residence (the “Harder House”) from 753 A Street to 297 Eastman Street in the Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the Planning Commission **find** that the project is categorically exempt from CEQA, and that the Planning Commission deny the appeal and approve the project subject to the findings and the conditions of approval.

BACKGROUND:

The “Harder House” is located on property soon to be redeveloped as part of the Albertsons downtown shopping center. **Friends of Hayward**, a public-benefit non-profit corporation, negotiated to have the house moved, rather than see it demolished, to the property on Eastman Street; the subject property contains a later house built by the Harder family. The applicant filed the subject Site Plan Review application to accommodate the proposed move.

The Planning Director approved the subject application on June 22, 2000. The conditions of approval required that all uses of the property comply with the Zoning Ordinance and that a two-car garage be provided prior to occupancy of the relocated residence.

An appeal of the approval was received by Terry **LeBaron**, 285 Eastman Street. The appeal was later supplemented by a petition signed by 40 neighborhood residents (32 households) on Eastman Street and Jane Avenue. The objections to the relocation of the home include:

- its use as an historic house museum, creating traffic and parking, and privacy, impacts in the neighborhood;
- its scale in relationship to the existing houses in the neighborhood, as the house is larger and placed on a raised foundation; and
- its need for renovation, and the lack of a guarantee that the work will proceed in a timely manner.

The petition is attached.

In response to the petitioners, the relocated residence may **only** be used as a single-family residence. The RS District permits the addition of a second residence providing a property is at least 10,000 square feet in size; the main body of the subject property contains nearly 28,500 square feet. All utilities are available from Eastman Street, and the relocated residence will be required to connect to all utilities.

Should the applicant or property owner later wish to use the relocated residence as an historical house museum, a Conditional Use Permit would have to first be approved by the Planning Commission. Issues regarding traffic, **parking** and noise would be dealt with appropriately at that time. Notice of any Use Permit application and hearing would be provided to the surrounding residents.

The RS District permits the construction of a residence on the subject property with a height of 30 feet, accommodating 2 stories, within 20 feet of the adjacent properties. Any of the adjacent properties could also be allowed to add a 2-story addition to the existing residences. The relocated structure, while on a raised foundation of 2% feet, is a one-story residence. The main portion of the residence will be located 20 feet from the adjacent properties. A rear extension of the house, which is only approximately 10 feet in height, will be 18 feet from the westerly property line; the Zoning Ordinance allows such extensions to be within 10 feet of the property line. The tops of the windows of the main part of the house are approximately 10 feet above grade level; the tops of the windows in a standard house are generally 8 feet above the finished floor.

Funds have been secured to cover the cost of relocating the “Harder House,” However, additional funds will be required to renovate the residence for occupancy as a single-family residence. The applicant intends to use vocational students to perform the work and this may occur over an extended time. The subject property is completely fenced and its entrance is controlled by a security gate. Therefore, the relocated residence should not be subject to deterioration from vandalism or vagrancy. Should further deterioration of the structure occur due to neglect, the City could declare it to be a nuisance and order the removal or demolition of the structure.

Friends of Hayward intends to acquire a facade easement from the owner. This will provide control of the exterior of the house to ***Friends of Hayward*** so that they can maintain the historic character of the residence.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review (Sec. 15332) in that it is an in-fill development project in an urban area.

PUBLIC NOTICE:

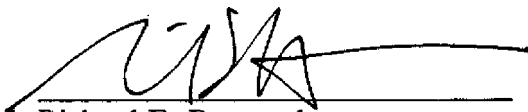
A Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Briarwood Homeowners Association and former members of the **Whitman/Mocine** Task Force. The Referral Notice provided an opportunity for persons to comment on the project. A few telephone inquiries were received inquiring about the project, and the appeal and petition were received.

On July 17, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Briarwood Homeowners Association and former members of the **Whitman/Mocine** Task Force.

CONCLUSION:

The relocation of the "Harder House" would be consistent with the mitigation program for the Albertsons downtown shopping center in that an historic structure is preserved. The property at 297 Eastman Street is able to receive the structure and be consistent with the Zoning Ordinance. The subject structure will be operated as a single-family residence and any future use as an historic house museum will first require approval of a Conditional Use Permit. Therefore; staff recommends denial of the appeal.

Prepared by :



Richard E. Patenaude
Associate Planner

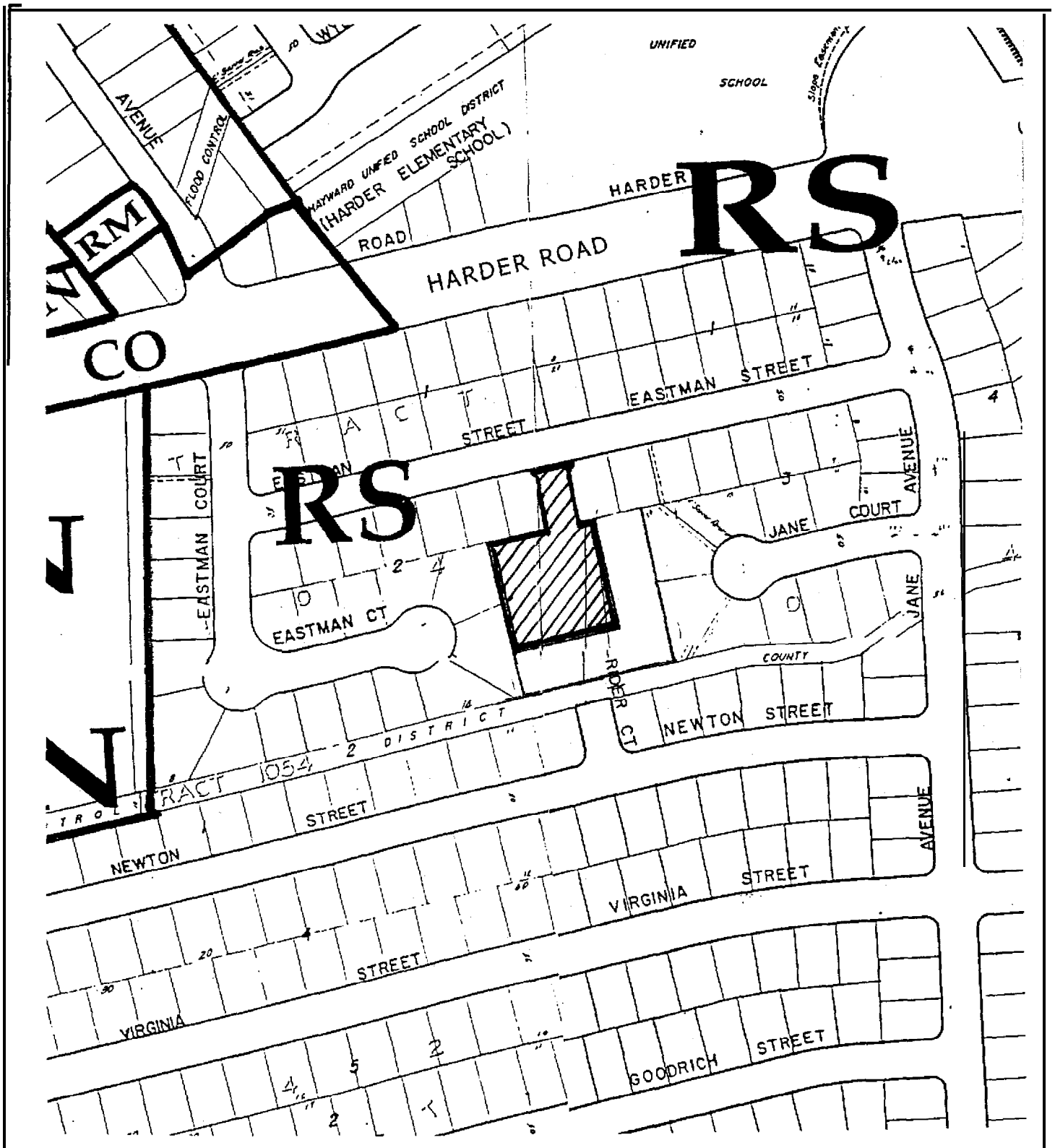
Recommended by :



Dyana Anderly, AICP
Planning Manager

Attachments :

- A. Area Map
- B. Site Plan
- C. Findings for Approval
- D. Conditions of Approval
- E. Appeal Petition

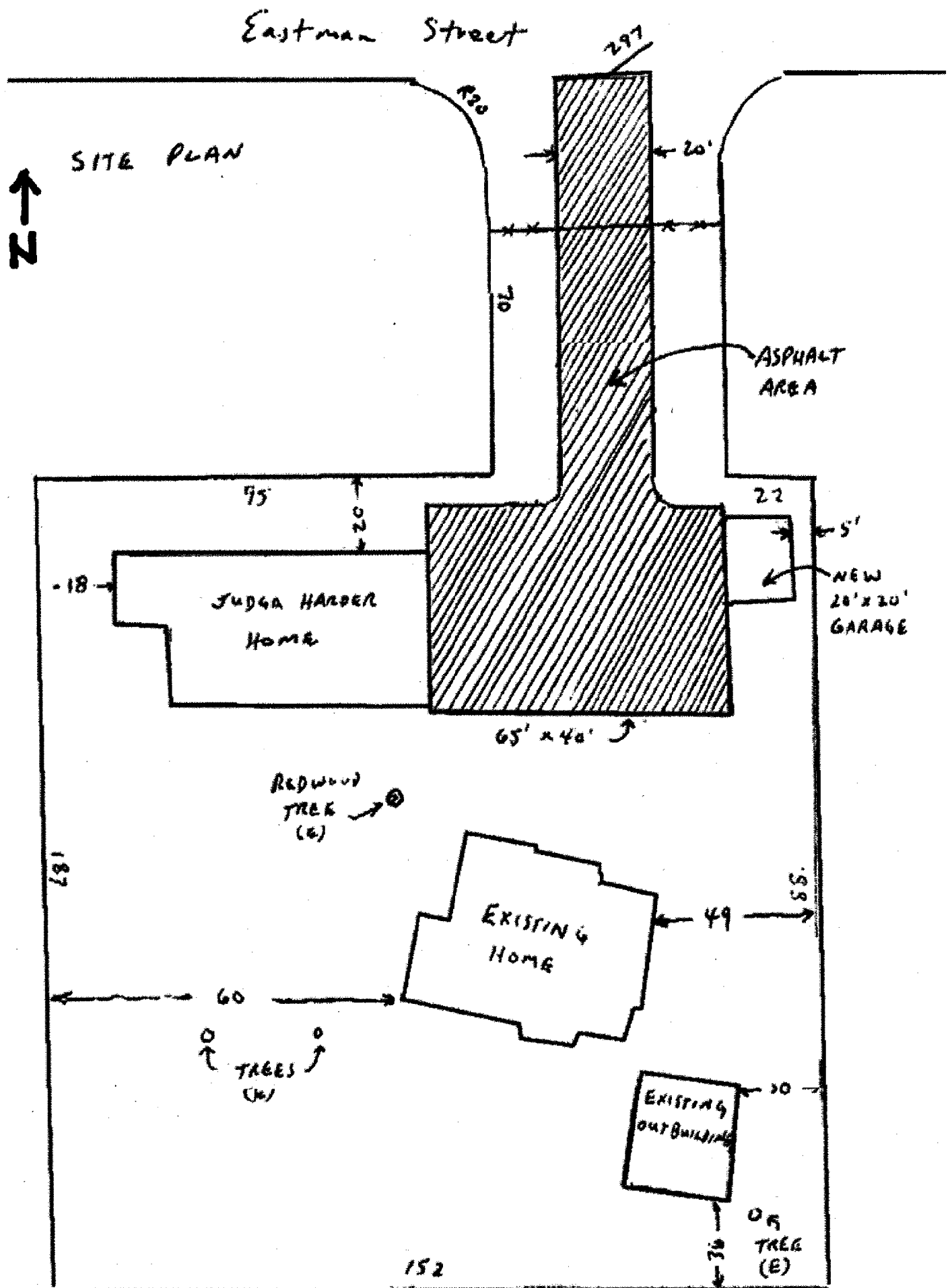


▲
North
1" = 200'

ZONING/AREA MAP

SPR 00-130-13

Friends of Hayward (Applicant)
Jorge and Martha Gutierrez (Owners)
297 Eastman Street



SITE PLAN REVIEW APPLICATION NO. **00-130-13**
FRIENDS OF HAYWARD (APPLICANT)
JORGE & MARTHA GUTIERREZ (OWNER)
FINDINGS FOR APPROVAL
July 27, **2000**

- A. The development is compatible with on-site and surrounding structures and uses and preserves a residence once occupied by one of the City's historic families.
- B. The development takes into consideration physical and environmental constraints, in ~~that~~ the residence will be constructed with **20-foot** yards along adjacent properties.
- C. The development complies with the intent of City development policies and regulations, in that it is **infill** development that is consistent in size and scale of the subject property.
- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that building code requirements will be met and the use of ~~the~~ residence will be as a single-family residence.
- E. The project is exempt from environmental review {Sec. 15332) in that it is an m-fill development project in an urban area.

SITE PLAN REVIEW APPLICATION NO. 00-130-13

FRIENDS OF HAYWARD (APPLICANT)

JORGE & MARTHA **GUTIERREZ** (OWNER)

CONDITIONS OF **APPROVAL**

July 27, 2000

1. The proposed improvements shall be constructed and installed according to the plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void one year after the effective date of approval unless prior to that time the subject structure ("Harder House") has been relocated to the subject property. Any modifications to ~~the~~ approved plans or conditions shall require prior review and approval from the Planning Director.
2. All improvements indicated on the approved site plan, labeled Exhibit A, must be installed and completed before gas or electric meter service is provided to, and before occupancy of, the "Harder House." Completion shall be determined when the alterations and reconstruction of the structure have been fully performed. Prior to final inspection of the homes or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director and the Building **Official**.
3. Applicant shall apply for all necessary building permits from the Building Division. All structures and building improvements must be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the **Uniform** Fire Code as adopted by the City of Hayward, except as modified by the State Historic Building Code.
4. The owner shall grant a facade easement to ***Friends of Hayward*** for the purpose of architectural control of the exterior of the residence. The historic architectural character of the residence shall be maintained.
5. The "Harder House" and its proposed uses shall comply in all respects with the provisions of the Zoning Ordinance.
6. Prior to occupancy of the "Harder House," a two-car garage, or **equivalent**, shall be provided on the subject property for use by the subject residence.
7. All interested parties, and future purchasers, of the property shall be apprised of these conditions of approval.
8. Violation of these conditions, or the determination that the subject structure creates a nuisance, is cause for revocation of the permit before the duly authorized review body. Revocation of the permit may include removal of the "Harder House," by demolition or **other** means, from the subject property.

Richard Patenaude
Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

City of Hayward, Mr. Patenaude,

This letter is our appeal for the site plan review 00-130-1 3, of which a home that has been considered for residential and historic preservation use, is to be removed **from** it's current location on "A" street Hayward to a new location of 297 Eastman Street Hayward. The objections are as follows.

RESIDENTIAL AND HISTORIC PRESERVATION USE:

This location is not **suitable** for cultural events or tours. It is bordered on all sides by homes. Nine (9) homes share a common fence with **this** property.

The way the property has been developed there is no parking available for tours or cultural event vehicles or buses. If they drive on to the premises they must back out causing a potential risk to children which play in this area.

This is a family tract. Bringing in extra traffic and taking up **street parking** for tours and/or cultural events, would be **unfair** to the current property owners.

If parking is **permitted** on premises, for **safe** turn **arounds**, the locations available would put property owners at a health risk due to gas **fumes** of buses and vehicles being started **up** at property owner's backyards.

You have a noise factor of tours and cultural events that are **not** a normal residential part of life.

The property is **not zoned** for this type of use.

This house is not a bungalow as specified in the Daily Review newspaper, dated 6/5/00. This is a large house.

According to the Historic Preservation **Ordinance** this house does **not qualify** as a Historic Structure.

If this house was to be placed on the 297 Eastman Street location it would have been renovated, per the ordinance, to the exact architectural structure as it was originally built, therefore the foundation that the house **will** sit on **will** place the windows at a level of which the house will have complete viewing into each and every adjacent backyard.

Allowing persons to take tours or have cultural events at this location will allow anyone to have complete viewing of each and every backyard adjacent to north and east of this house. This is unacceptable. (The house at it's current location, on "A" Street, has a 6 foot fence on the east side of the property. This will **verify** the window level.)

This property always has vehicles parked in non-ordinance locations. To park the vehicles they drive by the adjacent neighboring backyards. Parking vehicles at this location will not give a very desirable appearance to a property that has a Historic Preservation Use **structure** on it. As of the date 7/4/00 this can be viewed on the premises.

QUESTIONS: If it is past?

1. Will a brick sound bearer wall be constructed to alleviate the noise factor?
2. Will the new property owner be able to divide the property and sell it at a profit, as **a private** residential residence, abandoning the Historical Preservation issue, or will the city require it to remain a Historic house for the purpose for which it was put there.
3. What assurance is there that this house will be used for historic preservation use, w-ill remain in proper condition for tours, cultural events etc. if someone **is** living, renting the house.
4. If this is passed, will the renovations be carried out within the cities time limits, (plumbing, wiring, structural repair), and will the work that is being performed **be** limited to **Monday through Friday normal working hours of 7:00 a.m. to 5:00 p.m.** That would assure quiet enjoyment, from the saws and hammer&, for the neighbors when they are home **from** work **in** the evenings and on weekends.
5. How long of term do the new **owners** have to do the renovating. Will there be a deadline without extensions or will renovations be done as the money is available?
6. Are the **funds** available for the renovating of this house (moneys set aside in escrow) to assure completion within the city **ordinance** time limits?
7. Placing a home that needs to be **renovated**, behind existing homes, is very undesirable in appearance. A **building** sitting up on blocks waiting for foundations and remodeling to **be** done is not something a property owner would want to look at for very long. The house being on blocks will set the house approximately 4 to 5 foot higher than mentioned above, just so the foundation can be constructed under it. A six foot fence will not block that view **from** a property owners backyard.

CONDITIONS OF PROPERTY NOW AT 297 EASTMAN STREET

The map submitted with the application to the city shows water to the property. Per the City of Hayward, 6/26/00, this property **has** only bad **sewer** service in the property owners name since 1992. There has not been any permits showing **that** there **has** been water service installed, nor does the City of Hayward have any record of water usage billings, for the water service to **this** property. If there is, where and when did they start service. If there is service, the Hayward Water System would have record of it. I would think the service lines would need to be **inspected**. ("No Service" can be **verified** with the Hayward Water System. 510-583-4600)

Where the electrical lines are coming into the property there is a dead pine tree that the wires go through of which has only been partially removed. This is a **fire** hazard situation and is still standing as of 7/4/00. More wires to that pole location **will** just make it more dangerous for the property owners around the area.

The parking availability? Where is the garage going to be located for this house. I understand that the garage for this house is going to be located to the back of the property. If that is so, then you have vehicles driving along the back fence of the adjacent properties resulting in gas **fumes** which is a health hazard, in which will effect the west and **north** side property owners. The original tract plan had houses being built on this property, with a cul-de-sac. All backyards would be back to back. There would be no vehicles driving past **the** back of any person's backyard. **This would be a major issue for someone trying to sell their home which is adjacent to 297 Eastman St.**

There are a lot of questions that have not been addressed. All the residences in this neighborhood **have** only received a card stating a request for moving a historic house to a new location and no other information. That is why we are requesting that a public hearing be scheduled before the Planning Commission to review the requirements and the means of moving this house for use as a Historic preservation sight or a private residence relocation. We **do not** want this house located on to the 297 Eastman Street property.

SIGNATURES

PLEASE PRINT NAME

ADDRESS

<i>Dianne Munoz</i>	DIANNE MUNOZ	292 Eastman St.
<i>Aaron Cisneros</i>	Aaron Cisneros	278 Eastman St.
<i>Sandra Cisneros</i>	Sandra Cisneros	278 Eastman St.
<i>Estelle Green</i>	ESTELLE GREEN	273 EASTMAN ST.
<i>Lori Lopez</i>	LORI LOPEZ	243 EASTMAN ST.
<i>José Lopez</i>	José Lopez	243 Eastman ST.
<i>Grace Cabral</i>	GRACE CABRAL	215 Eastman St.
<i>Clifford Nguyen</i>	CLIFFORD NGUYEN	26034 Eastman Ct
<i>Inez Stenberg</i>	Inez Stenberg	26086 Eastman Ct.
<i>Wm. C. Stenberg</i>	WM. C. STENBERG	26086 EASTMAN CT.
<i>Cynthia M. Caulboy</i>	Cynthia M. Caulboy	26094 Eastman Ct.
<i>Joseph L. Caulboy</i>	JOSEPH L. CAULBOY	26094 EASTMAN CT.
<i>Timothy Riley</i>	TIMOTHY RILEY	26102 EASTMAN CT.
<i>Lesue Lam Low</i>	LESUE LAM LOW	26116 EASTMAN CT.
<i>Lil Brown-Parker</i>	Lil Brown-Parker	26099 Eastman Ct. 94544
<i>L. Caballero JK</i>	L. CABALLERO JK	26091 EASTMAN CT. 94544
<i>Betty Holmes</i>	Betty Holmes	26075 Eastman Ct.
<i>L. Ellifrits</i>	L. ELLIFRITS	26051 EASTMAN CT.
<i>Basem Luntz Ford</i>	Basem Luntz Ford	26035 Eastman Ct.
<i>Michael A. Cordero</i>	Michael A. CORDERO	26027 EASTMAN CT.
<i>Samantha Cederborg</i>	Samantha Cederborg	26027 Eastman Court
<i>Gilbert P. Cabral</i>	GILBERT P. CABRAL	215 EASTMAN ST.

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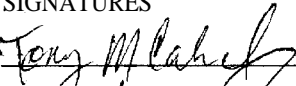
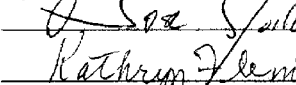

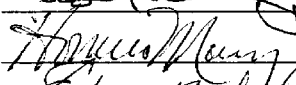
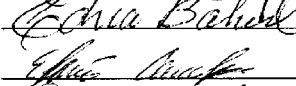
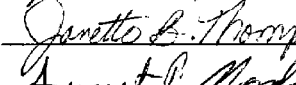
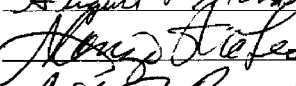
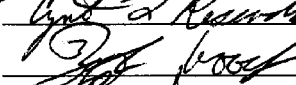
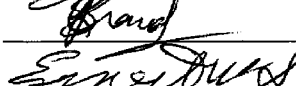
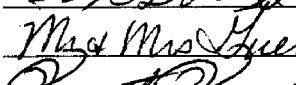
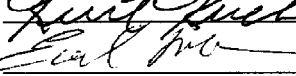
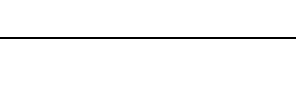
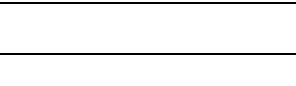
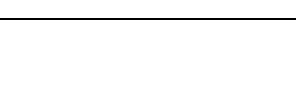

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SIGNATURES	PLEASE PRINT NAME	ADDRESS
	Tony Cabral	215 EASTMAN ST
	Lora Gullen	208 Eastman St
	KATHRYN FLEMING	222 EASTMAN ST
	RALPH R. FLEMING	222 EASTMAN ST
	Robert Rodriguez	264 Eastman St
	HOMERO MUNOZ JR	292 EASTMAN ST
	EDNA BAKER	309 EASTMAN ST
	Ekron Camacho	321 EASTMAN ST
	Janette Thompson	316 Eastman St.
	August P Mendreza	26011 Eastman Ct
	Horzo McLeod	390 Jane Ct, Hay
	Cynthia Resendes	305 Jane Ct, Hayward
	Zeb Woods	353 - Jane Ct. Hayward
	ROHTESH CHAND	345 Eastman St Hay
	Ernest Swift	357 Eastman St
	Mr + Mrs GUERRERO	369 Eastman St
	KURT KUEHL	397 EASTMAN ST
	EARL W LEBLANC	285 EASTMAN ST